THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 14588 of 2007

Dated 9th July 2007

Between:

M/s.Vijay Prakash Chourasiya & Co.,
No.22, Marathhalli post, Bangalore.

... Petitioners

and

The Regional Transport Authority,
R.R.District & another

... Respondents

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O R D E R:

The petitioner is the owner of the vehicle bearing No.KA-53-1233. It was seized by the 2nd respondent on 6.7.2007, under the cover of a vehicle check report. The main allegation against the petitioner is that it is carrying the load, in excess of 18,800 Kgs., tan the permissible limits. The petitioner submits that the entire tax payable for the vehicle has been paid up to 2008, and the over-weight had occurred, on account of the fact that the sand, which was transported in it, got drenched due to heavy rain.

Heard the learned counsel for the petitioner and learned Government Pleader for Transport.

The principal allegation against the petitioner is that the vehicle was overloaded. The Motor Vehicle Rules provide for levy of penalty of Rs.1/- for each K.G. of weight, in excess of permissible limits. In case, the petitioner pays the corresponding amount, there would not be any difficulty for releasing the vehicle, and on the other hand, if the vehicle is detained with such heavy load, it would get seriously damaged and no benefit would accrue to the respondents.

The writ petition is disposed of, directing the respondents to release the vehicle, on payment of a sum of Rs.18,800/- (Eighteen thousand eight hundred). The petitioner shall file an undertaking to the effect that it shall produce the vehicle as and when directed and that it shall not alienate it, without specific permission of the respondents. There shall be no order as to costs.

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9th July 2007

Note: Issue C.C. today.

(B/o)

PAN